

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul A. BARSANTI et al.
Title: THIOSEMICARBAZONES AS
ANTI-VIRALS AND
IMMUNOPOTENTIATORS
Appl. No.: 10/748,071
Filing Date: 12/29/2003
Examiner: Stuart Snyder
Art Unit: 1648
Confirmation Number: 8570

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Office Action mailed September 15, 2006 in this application. The Action set a one month period to reply. Applicants enclose with this response a Petition for a Five Month Extension of Time and the appropriate fee to make this response timely on its due date of March 15, 2007.

REMARKS

Applicants request that the Office reconsider the present application in light of the remarks that follow.

The Examiner has restricted the claims to the following two groups:

Group I: Claims 1-3, 32-65, 72, and 74 drawn to thiosemicarbazone compounds and compositions classified in class 552, subclass 517.

Group II: Claims 4-31, 66-71, and 73 drawn to methods of using Group I as an adjuvant, immunostimulant or antiviral therapeutic and classified in class 552, subclass 517.

Applicants hereby provisionally elect Group I with traverse. This restriction requirement¹ is traversed because Applicants maintain that there is no unreasonable burden placed on the examiner to search the invention of Groups I and II in a single application. As noted in MPEP §803, “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on its merits, even though it includes claims to independent and distinct inventions”. In the present case, a search of the compound/composition claims of Group I would necessitate a search of the art of the method claims of Group II, particularly since both groups share the same classification. Accordingly, a serious burden is not placed on the examiner by examining the inventions of Groups I and II. Withdrawal of the restriction requirement between Groups I and II is requested.

Within Group I, Applicants elect the species of formula IX. Applicants note that claim 63 directed to compounds of formula IX had previously been amended to claim compositions of formula IX. Applicants acknowledge with thanks that the Office has stated that claim 1 is generic to the species of general formulae I-IX. Applicants further acknowledge that upon

¹ Applicants note that the Restriction Requirement only refers to compounds; however, Claims 1-3, 32-65, 72, and 74 are directed to compounds and pharmaceutical compositions.

allowance of a generic claim applicants will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

Should the Office request a further election of a compound of formula IX, Applicants point to compound 113, the first compound in Table 2, having the name "pyridine-2-carbaldehyde thiosemicarbazone." Applicants further note that this compound is also a compound of formulas I and II and that claims 1-3 and 63 of Group I read on compositions containing this compound.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Applicants request early examination of the present application. If the Examiner believes a telephone conversation would help advance prosecution of the present application, the Examiner is cordially invited to contact the undersigned at the number below.

Respectfully submitted,

Date 15 March 2007

By 

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